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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 007676

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DEPARTMENT FOR EUR/SE

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SUBJECT: AMBASSADOR RAISES SPEECH CONCERNS WITH MINISTER

Classified by Ambassador Ross Wilson; reasons 1.4 b and d.

¶1. (C) Summary: Ambassador used his initial call on Turkish Justice Minister Cicek December 30 to warn that the recent series of speech-related prosecutions has damaged Turkey's image in the U.S. He said that traditional supporters of Turkey in Washington may not be helpful in the future if the GOT does not address the problem. Cicek said the GOT is committed to free expression, and maintained that observers should be patient while the judiciary works out the legal challenge of implementing new legislation. He also intimated, however, that the problem may be fixed soon. He also raised the issue of terrorism, saying the GOT appreciates the U.S. commitment to fighting terrorism, but is concerned about the inconsistent performance of some European countries. End Summary.

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Trials Eroding Support of U.S. Groups  
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¶2. (U) Ambassador told Cicek that the recent series of legal cases opened in Turkey against writers and intellectuals for expressing controversial views has damaged Turkey's image in Europe and the U.S. There are, he noted, important issues of law, and we would not ask the Turkish government to violate the Constitution, but these cases are a problem. Ambassador solicited Cicek's views.

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Cicek Counsels "Patience," Decries EU Double Standards  
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¶3. (SBU) Cicek averred that the AKP government has devoted more effort to enhancing freedom of expression than any previous Turkish government. Over the past three years, it has adopted a wide range of legal reforms designed to expand free expression, and the Justice Ministry has led the effort. The new Turkish Penal Code was adopted in June. Everyone needs to be patient while the judiciary works through the challenges of implementing the new laws. The High Court of Appeals has not yet had a chance to rule on any of the cases that have been brought under the new code. Cicek said certain elements in Turkey opposed to EU membership have been pursuing these speech cases in a deliberate effort to undermine reform.

¶4. (SBU) Cicek further claimed that there are no articles in the Turkish Penal Code that are not also found in the laws of EU countries. He said EU officials approved the Penal Code draft before the GOT adopted it, and now are calling for revisions. (In fact, EU officials raised concerns about speech-related articles of the Code both before and after the GOT adopted it.) In European countries there are speech-related cases similar to the recent cases in Turkey. In France, he claimed, people are subject to a fine if they maintain that the Ottomans did not commit "genocide" against Armenians after World War I. Turks are confused by this double standard.

¶5. (SBU) Ambassador responded that the commitment to freedom of expression is broader in the U.S. than in either Turkey or other European countries. There is no law in the U.S. that would allow for the trial of writers for expressing their views. Even under libel law, it is virtually impossible in the U.S. to bring charges against journalists for what they write about public figures. When Americans read about these cases in Turkey, it is very difficult for them to understand how this can happen in an allied democratic country.

¶6. (C) This, the Ambassador continued, raises a serious political problem for the U.S.-Turkey bilateral relationship. Many individuals and groups in the U.S. who have been supportive of Turkey say they are now unable to defend the GOT's stance regarding free speech. The legal cases against Orhan Pamuk and other writers and intellectuals have eroded the sympathy that many in the U.S. felt for Turkey. If this trend is not reversed, these groups may not be able to come through the next time their support is needed on issues important to U.S.-Turkish relations. With an eye to Turkish

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government deliberations on these freedom of expression cases that will reportedly occur the week of January 2, Ambassador asked Cicek to convey the strong U.S. view that these matters be handled quickly and in a manner that advances reform and democratic values in Turkey. Cicek expressed appreciation for U.S. views on the matter and undertook to convey them to his colleagues.

¶7. (SBU) Ambassador will follow up with key advisors to PM Erdogan in meetings planned for January 2 and 3.  
WILSON